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OFFICE OF PETITIONS

In re Application of

Souissi, et al.

Application No. 09/938,357

Filed: August 23, 20001

Attorney Docket No. 05118-45 (6507/60484)

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DECISION ON PETITION

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This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 30, 2006.

The renewed petition is **granted**.

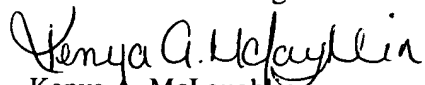
The above-identified application became abandoned for failure to reply to the Notice of Allowance and Issue fee Due mailed January 14, 2005, which set a statutory period for reply of three-months from its mailing date. No response was received within the allowable period and the application became abandoned on April 15, 2005. A petition to withdraw the holding of abandonment was first filed on February 13, 2006, and dismissed by a decision mailed February 24, 2006.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 2600, GAU 2614 for further processing that may include remailing of the Notice of Allowance and Issue Fee Due and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions